

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 942

**Introduced by Committee on Judiciary (Feuer (Chair), Brownley,
Evans, Jones, Krekorian, Lieu, and Monning)**

February 26, 2009

~~An act to amend Section 12955.5 of the Government Code, relating to discrimination.~~ *An act to amend Sections 69614 and 69615 of the Government Code, relating to courts.*

LEGISLATIVE COUNSEL'S DIGEST

AB 942, as amended, Committee on Judiciary. ~~Discrimination: housing.~~ *Judgeships.*

(1) Existing law requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using specified uniform criteria for the allocation of judgeships.

This bill would require the Judicial Council, on or before June 30, 2011, to provide to the Legislature a special assessment of the need for new judgeships in the family law and juvenile law assignments for each superior court.

(2) Existing law provides that 16 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, shall be converted to judgeships. Beginning in the 2008–09 fiscal year, existing law provides that, upon subsequent authorization by the Legislature, 146 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, shall be converted to judgeships, upon the occurrence of specified conditions,

except that no more than 16 positions may be converted to judgeships in any fiscal year.

This bill would provide, notwithstanding the above provisions, that up to 10 additional subordinate judicial officer positions may be converted to judgeships in any fiscal year. Each additional position would be converted to a judgeship only if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. The bill would require the Judicial Council to report, as part of the above-described report due to the Legislature on November 1, 2012, on the implementation and effect of this provision.

~~Existing law, the California Fair Employment and Housing Act, makes it unlawful to discriminate against an individual in any housing accommodation on the basis of specified classifications, and permits the Department of Fair Employment and Housing to engage in affirmative actions to prevent and provide for effective remedies against housing discrimination.~~

~~This bill would make technical nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 69614 of the Government Code is
- 2 amended to read:
- 3 69614. (a) Upon appropriation by the Legislature in the
- 4 2006–07 fiscal year, there shall be 50 additional judges allocated
- 5 to the various ~~county~~ superior courts pursuant to the uniform
- 6 criteria described in subdivision (b) for determining the need for
- 7 additional superior court judges.
- 8 (b) The judges shall be allocated, in accordance with the uniform
- 9 standards for factually determining additional judicial need in each
- 10 county, as approved by the Judicial Council in August, 2001, and
- 11 as modified and approved by the Judicial Council in August, 2004,
- 12 pursuant to the Update of Judicial Needs Study, based on the
- 13 following criteria:
- 14 (1) Court filings data averaged over a period of three years.

1 (2) Workload standards that represent the average amount of
2 time of bench and nonbench work required to resolve each case
3 type.

4 (3) A ranking methodology that provides consideration for
5 courts that have the greatest need relative to their current
6 complement of judicial officers.

7 (c) (1) The Judicial Council shall report to the Legislature and
8 the Governor on or before November 1 of every even-numbered
9 year on the factually determined need for new judgeships in each
10 superior court using the uniform criteria for allocation of judgeships
11 described in subdivision (b), as updated and applied to the average
12 of the prior three ~~calendar~~ years' filings.

13 (2) *On or before June 30, 2011, the Judicial Council shall*
14 *provide to the Legislature a special assessment of the need for new*
15 *judgeships in the family law and juvenile law assignments for each*
16 *superior court.*

17 (3) *The Judicial Council shall report, as part of the report due*
18 *to the Legislature on November 1, 2012, on the implementation*
19 *and effect of subparagraph (C) of paragraph (1) of subdivision*
20 *(c) of Section 69615.*

21 SEC. 2. *Section 69615 of the Government Code is amended to*
22 *read:*

23 69615. (a) It is the intent of the Legislature in enacting this
24 section to restore an appropriate balance between subordinate
25 judicial officers and judges in the trial courts by providing for the
26 conversion, as needed, of subordinate judicial officer positions to
27 judgeships in courts that assign subordinate judicial officers to act
28 as temporary judges. The Legislature finds that these positions
29 must be converted to judgeships in order to ensure that critical
30 case types, including family, probate, and juvenile law matters,
31 can be heard by judges.

32 (b) (1) *The Legislature finds that because of the unique nature*
33 *of family and juvenile law matters, including the longlasting impact*
34 *of decisions in these cases, particularly on vulnerable children,*
35 *whenever possible, these cases should be presided over by judges,*
36 *who are accountable to the public.*

37 (2) *The Legislature also finds that a Judicial Council study*
38 *concluded that public trust and confidence in the courts is strongest*
39 *when the public believes that the decisionmaking processes used*
40 *by the court are fair and allow each litigant a reasonable*

1 *opportunity to be heard by the court. In order to improve the public*
2 *perception of procedural fairness in family law and juvenile law*
3 *matters, it is necessary that cases be heard by judges whenever*
4 *possible.*

5 *(3) It is therefore the intent of the Legislature, in allowing the*
6 *conversion of up to 10 additional subordinate judicial officer*
7 *positions, as provided in subparagraph (C) of paragraph (1) of*
8 *subdivision (c), to expedite the timeline for ensuring that family*
9 *and juvenile law matters are presided over by judges.*

10 ~~(b)~~

11 *(c) (1) (A) Sixteen subordinate judicial officer positions in*
12 *eligible superior courts, as determined and approved by the Judicial*
13 *Council on February 23, 2007, pursuant to uniform criteria for*
14 *determining the need for converting existing subordinate judicial*
15 *officer positions to superior court judgeships, shall be converted*
16 *to judgeships as set forth in paragraph (2).*

17 *(B) Upon subsequent authorization by the Legislature, 146*
18 *subordinate judicial officer positions in eligible superior courts,*
19 *as determined by the Judicial Council pursuant to uniform criteria*
20 *for determining the need for converting existing subordinate*
21 *judicial officer positions to superior court judgeships, shall be*
22 *converted to judgeships as set forth in paragraphs (2) and (3),*
23 *except that no more than 16 subordinate judicial officer positions*
24 *may be converted in any fiscal year.*

25 *(C) Notwithstanding subparagraph (B), up to 10 additional*
26 *subordinate judicial officer positions may be converted to superior*
27 *court judgeships in any fiscal year. Each additional position may*
28 *be converted to a judgeship only if the conversion will result in a*
29 *judge being assigned to a family law or juvenile law assignment*
30 *previously presided over by a subordinate judicial officer.*

31 *(2) The positions for conversion shall be allocated each fiscal*
32 *year pursuant to uniform allocation standards to be developed by*
33 *the Judicial Council for factually determining the relative judicial*
34 *need for conversion of a subordinate judicial officer position that*
35 *becomes vacant to a superior court judgeship position.*

36 *(3) Beginning in the 2008–09 fiscal year, a subordinate judicial*
37 *officer position shall be converted to a judgeship when all of the*
38 *following conditions are met:*

1 (A) A vacancy occurs in a subordinate judicial officer position
2 in an eligible superior court as determined by the uniform allocation
3 standards described in paragraph (2).

4 (B) The Judicial Council files notice of the vacancies and
5 allocations with the Chairperson of the Senate Committee on Rules,
6 the Speaker of the Assembly, and the Chairpersons of the Senate
7 and Assembly Committees on Judiciary.

8 (C) The proposed action is ratified by the Legislature, either in
9 the annual Budget Act or another legislative measure.

10 (4) Section 12011.5 shall apply to an appointment to a superior
11 court judgeship converted from a subordinate judicial officer
12 position.

13 (e)

14 (d) For purposes of this section, “subordinate judicial officer”
15 means an officer appointed under the authority of Section 22 of
16 Article VI of the California Constitution. This section shall not
17 apply to a subordinate judicial officer position established by
18 Section 4251 of the Family Code.

19 (d)

20 (e) It is the intent of the Legislature that no subordinate judicial
21 officer shall involuntarily lose his or her position solely due to
22 operation of this section. This section does not change the
23 employment relationship between subordinate judicial officers and
24 the trial courts established by law.

25 (e)

26 (f) This section does not limit the authority of the Governor to
27 appoint a person to fill a vacancy pursuant to subdivision (c) of
28 Section 16 of Article VI of the California Constitution.

29 (f)

30 (g) This section does not entitle a court to an increase in funding.

31 (g)

32 (h) The operation of this section shall neither increase nor
33 decrease the number of judicial and subordinate judicial officer
34 positions and court support positions for which a county is
35 responsible by law.

36 ~~SECTION 1. Section 12955.5 of the Government Code is~~
37 ~~amended to read:~~

1 ~~12955.5. This part shall not preclude the government from~~
2 ~~establishing programs to collect information relating to~~
3 ~~discriminatory housing practices.~~

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